

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

LARRY R. WIGGINS, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:14-cv-11103

JP MORGAN CHASE BANK, et al.,

Defendants.

**ORDER**

Pending before the court is JP Morgan Chase Bank, N.A.'s Motion to Dismiss Plaintiffs' Amended Complaint [Docket 3], Defendant Seneca Trustees, Inc.'s Motion to Dismiss [Docket 5], and Plaintiffs' Motion for Summary Judgment [Docket 7]. This action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and has recommended that the court **GRANT** the Motions to Dismiss filed by JP Morgan Chase Bank, N.A. and Seneca Trustees, Inc. [Docket 3 and 5] and that the court **DENY** the plaintiffs' Motion for Summary Judgment [Docket 7].

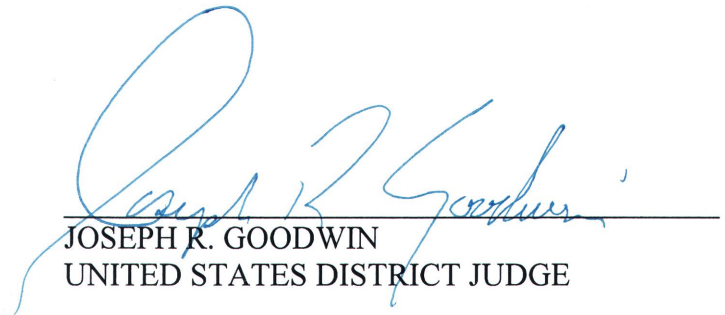
No party has filed objections to the Magistrate Judge's findings and recommendations.

A district court “shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

As the parties have not filed objections in this case, the court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and orders judgment consistent with the findings and recommendations. The court **GRANTS** the Motions to Dismiss filed by JP Morgan Chase Bank, N.A. and Seneca Trustees, Inc. [Docket 3 and 5] and **DENIES** the plaintiff’s Motion for Summary Judgment [Docket 7]. The court **DIRECTS** this action to be removed from the docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 27, 2015



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE